

patentably distinct and were restrictable as between the invention of Group I, including claims 1-8, 17 and 18, drawn to a probability calculation, risk factors, a ratio calculation, and a financial product, classified in class 705, subclass 38 and Group II, including claims 9-16, 18 and 20, drawn to a factor statistics database, a financial statistics database, statistical data, fluctuation in price of a financial product, classified in class 705, subclass 35.

Applicant herein elects Group I, claims 1-8, 17 and 18, with traverse.

The Examiner asserted that the inventions were related as combination and subcombination under M.P.E.P. § 806.05(c).

Applicant submits that even if the groups are related as combination-subcombination, the search for one group would overlap the search for another group such that there is no serious burden on the Examiner to examine both groups.

In particular, the Examiner has not shown that a concurrent examination of these groups would present a serious burden on the Examiner. In fact, while the Examiner has noted that the individual groups would be classified in different subclasses, there is no appropriate statement that the search areas required to examine the invention of Group I would not overlap into the search areas for examining the invention of Group II, and vice versa. Applicant respectfully submits that the search for the combination of features recited in the claims of the above-noted groups, if not totally co-extensive, would appear to have a very substantial degree of overlap. Because the search for each group of invention is substantially the same, Applicant submits that no undue or serious burden would be presented in concurrently examining Groups I and II. Thus, for the above-noted reasons, and consistent with the Office policy set forth above in M.P.E.P. §


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803, Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement in this application.

For all of the above reasons, the Examiner's restriction requirement is believed to be improper. Nevertheless, Applicant has elected, with traverse, the invention defined in Group I, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,  
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